

CHAPTER 24

MUNICIPAL AIRPORT

Article 1. General Rules

Sec. 24-1-1. Definitions.

The following words have the meaning ascribed to them in this section unless otherwise apparent from the context:

- (1) "Airport" means the Chickasha Municipal Airport.
- (2) "Airport Manager" means the Manager of Aviation for the City of Chickasha or the duly authorized representative thereof.
- (3) "City" means the City of Chickasha, Oklahoma, or may be referred to as the Airport Authority, Authority, or Lessor.
- (4) "Person" means any individual, state, political body, or any business, financial, social, recreational, or athletic association of any form whatsoever, and includes any member, trustee, agent, employee, officer, receiver, assignee, or other representative of any of these.

Sec. 24-1-2. Applicability.

These rules apply to each and every person and to each and every activity or operation of any kind whatsoever on, in or about the property known as Chickasha Municipal Airport, Chickasha, Oklahoma.

Sec. 24-1-3. General rules.

The following rules shall be observed in the use, operation, and conduct of the airport:

- (1) Conduct of business. No person shall use the airport or any part thereof, or any airport facility, for revenue producing or commercial activities without first securing an appropriate written lease, sublease or permit from the City of Chickasha or its duly authorized representative and, having obtained such document, shall comply fully and completely with all of the terms and conditions thereof including the payment of rates and charges.
- (2) Non-assumption of business. Persons entering upon airport grounds do so at their own risk. The City, its agents, officers, and employees, assume no liability or responsibility, and shall not be liable or responsible other than as required by law, for loss, damage, destruction, injury or death to any person or persons or to any property by reason of any accident, incident, occurrence or mishap of any nature whatsoever or from any cause whatsoever.
- (3) Rates and charges. Aircraft and business operations on the airport shall be subject to the RATES AND CHARGES and USE CONTROL POLICY OR MINIMUM STANDARDS, as adopted or revised by the Chickasha Municipal Airport Authority.
- (4) Federal air traffic regulations. Regulations of the Federal Aviation Administration for aircraft operated anywhere in the United States, and presently or hereafter effective, are hereby referred to, adopted and made a part hereof as though fully set forth and incorporated herein.
- (5) Damage to aircraft. Any person, corporate or individual, and the owner of any aircraft causing damage of any kind to said airport, whether through violation of any of these rules or through vandalism or any act of negligence, shall be liable therefore in and to said City of Chickasha.
- (6) Damage to field lights or fixtures. Any person damaging any field light or airport fixture by operation of an aircraft or otherwise shall immediately report such damage to the Airport Manager. Person causing damage to runway and taxiway lights or airport fixtures will be liable for replacement cost of the light(s) and/or fixtures.

- (7) Authority to suspend operations. The Airport Manager may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of the public health, safety, or welfare.
- (8) Safeguard of persons and property. The Airport Manager shall at all times have authority to take necessary and legal actions to safeguard any person, aircraft, equipment, or property at the airport.
- (9) Lien for charges. To enforce the payment of any charge made for repairs, improvements, storage or care of any personal property, made or furnished by the City or its agents, in connection with the operation of the airport, the City of Chickasha shall have a lien upon such personal property, which shall be enforced as provided by law.
- (10) Commercial photography. No person shall take still, motion or sound pictures or photographs for commercial purposes on airport property without the written permission of the Airport Manager and unless the provisions of Section 24-1-3 have been complied with.
- (11) Advertisements. No person shall post, distribute, circulate or display any signs, posters, advertisements circulars or any other such printed, painted or written materials without first obtaining the written permission of the Airport Manager.
- (12) Soliciting. No person shall solicit funds, goods, donations, or pledges on the airport without first securing the written permission of the Airport Manager.
- (13) Animals. No person shall enter the airport property with a dog or other animal unless such dogs or other animals are restrained by leash or cage and kept under control.
- (14) Restricted areas. No person shall enter any area, which is posted with signs reading "RESTRICTED", "CLOSED TO PUBLIC", or the like, except:
- (a) Persons assigned to duty in such areas.
 - (b) Persons authorized by the Airport Manager.
 - (c) Passengers, under appropriate supervision, entering such areas for the purpose of embarkation or debarkation.
- (15) Unauthorized signs. No signs may be erected, moved in or installed on the airport property except as may be specifically authorized by the Airport Manager.
- (16) Surreptitious activities. Any person observing suspicious, unauthorized, or criminal activities should report such activities immediately to the Airport, police, or officers of the Department of Public Safety, or other peace officer.
- (17) Licensed pilots. Only aircraft and persons authorized by the FAA shall be authorized to operate aircraft upon the airport. This limitation shall not apply to students in training under licensed instructors nor to public aircraft of the Federal Government or of a state, territory, or political subdivision thereof, or to aircraft licensed by foreign government with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

Article 2. Operations.

Sec. 24-2-1 Aircraft Operations.

- (1) Registration. Every person owning an aircraft parked at the airport, shall register said aircraft with the City by signing the AIRPORT REGISTER, located at each FBO facility. For the purpose of this part the term "PARKED AIRCRAFT" means any aircraft, which is parked on the airport property for a duration exceeding twenty-four (24) hours. Owners of aircraft which are permanently based at the airport shall be required to register one time. Owners of based aircraft, which are permanently removed from the airport, shall notify the City within seventy-two (72) hours from the time the aircraft leaves the airport. Notification shall be by signing the AIRPORT REGISTER with the notation of permanent removal. For the purpose of this part the term "BASED AIRCRAFT" means any aircraft, which is parked on the airport property for a duration exceeding twenty-one (21) overnight periods in any year.

(2) Wrecked or disabled aircraft. The owner, pilot or operator of any aircraft which becomes wrecked or disabled at the airport shall be responsible for the prompt removal of the wrecked or disabled aircraft, and parts thereof, as directed by the Airport Manager. In the event the owner, pilot, or operator fails to comply with such directions, the wrecked or disabled aircraft, and parts thereof, may be removed by the Airport Manager at the expense of the owner, pilot, or operator.

(3) Accident reports. Persons involved in or witnessing an aircraft accident on the airport shall report such accident to the Airport Manager's office or the nearest law enforcement officer as soon as it is reasonably possible to do so. Such persons shall make a written report as requested by the Airport Manager.

(4) Noise abatement. All persons operating aircraft from the airport shall comply with all noise abatement procedures, traffic patterns, and policies as may be established by the City and acceptable to FAA.

(5) Repairs and maintenance to aircraft. No aircraft shall be repaired on any part of the landing or take-off area. No aircraft shall be repaired or maintained except in the locations designated by the Airport Manager for such purposes.

(6) Substance abuse. No person shall use or knowingly allow the use of the airport for the purpose of unlawfully driving a motor vehicle or aircraft under the influence of an alcoholic beverage or any drug or for the purpose of unlawfully selling, serving, using, storing, transporting, keeping manufacturing or giving away alcoholic beverages or any controlled substance, precursor or analog specified in Oklahoma Statutes.

(7) Foreign objects. No foreign objects, including bottles, cans, scrap, or any object that may cause damage to an aircraft, shall be left upon the floor of any building or upon any part of the surface of the airport.

Sec. 24-2-2 Ground Operations.

(1) Public vehicular traffic. All public vehicular traffic shall be confined to avenues of passage designated and provided for that purpose by the City, and shall not be operated at a speed in excess of twenty-five (25) miles per hour.

(2) Aircraft movement areas. No motorized equipment or vehicles shall be operated on the aircraft ramps, or on the taxiway or runway except by persons duly authorized to be in those areas by the Airport Manager.

(3) Parking. Vehicles shall be parked on the airport in the manner and at the locations indicated by posting parking signs or painted markings.

(4) Fuel dispensing. All fuel dispensing activities, whether commercial or private, must be authorized by the Airport Manager and performed in accordance with this section.

(a) No aircraft shall be fueled from any delivery truck, fuel pump or container unless the aircraft is located completely clear of all buildings or hangars. In no event may an aircraft be fueled when any part of the aircraft is within ten (10) feet of any building or hangar.

(b) Smoking or open flame within fifty (50) feet of any aircraft or fuel truck or fuel facility is prohibited.

(c) In all matters related to aircraft fueling safety the provisions of the current NFPA Manual 407 "Aircraft Fuel Servicing, published and available from the National Fire Protection Association, Incorporated, 470 Atlantic Avenue, Boston, Massachusetts 02210, shall prevail.

(d) Aircraft shall not be fueled while the engine is running or while in a hangar or other enclosed place.

(e) All aircraft will be positively grounded when being serviced with fuel. Aircraft being serviced by fuel truck will be grounded to the fuel truck and the fuel truck will be positively grounded.

(f) Aviation or auto fuels shall not be stored within a hangar.

- (g) Persons or aviation businesses wishing to supply and dispense aviation fuel for their private use must first obtain permission from the Airport Manager.
- (5) Tie-down and security of aircraft.
 - (a) All aircraft not hangared shall be tied down or secured at night and during inclement weather.
 - (b) All aircraft owners or their agents are responsible for the tie-down and security of their aircraft at all times.
- (6) Running aircraft engines.
 - (a) On aircraft not equipped with brakes, the engine shall not be started until and unless the wheels have been set with blocks attached to ropes or other suitable means for removing them.
 - (b) No airplane will be propped, started, or left running without qualified personnel in the cockpit at the controls.
 - (c) No aircraft engine shall be started or run inside any building.
 - (d) No aircraft engine shall be started, run, or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings and groups of people.
- (7) Taxiing aircraft.
 - (a) No person shall taxi an aircraft until he has ascertained there will be no danger of collision with any person or object in the immediate area.
 - (b) Aircraft will be taxied at a safe and prudent speed, and in such manner as to be at all times under the control of the pilot.
 - (c) Aircraft not equipped with brakes will not be taxied near buildings or parked aircraft unless an attendant is at a wing of the aircraft to assist the pilot.
 - (d) Aircraft shall not taxi onto the runway if there is an aircraft approaching to land, or on the ground in take-off position.
 - (e) There shall be no taxiing of aircraft by engine power into or out of hangars.
- (8) Parking aircraft.
 - (a) Aircraft shall be parked or tied down only within areas so designated by the Airport Manager for that purpose.
 - (b) Aircraft will not be parked in such a manner as to hinder the normal movement of other aircraft and traffic.
 - (c) It is the responsibility of the pilot when leaving a parked aircraft unattended to see that the plane is properly chocked and/or tied down.
- (9) Loading/unloading aircraft.
Pilots are prohibited from loading or unloading aircraft with the engine running.

Article 3 Airport Safety

Sec. 24-3-1. Landing and Take-off Rules

- (1) Hazardous operations. No pilot shall operate an aircraft in such manner as to create a hazard to persons and property on the ground, nor land or take-off any fixed wing aircraft and commence a turn over any taxiway or ramp or over hangars or other structures, automobile parking areas or groups of spectators at an altitude below one thousand feet (1,000') above ground level (AGL).
- (2) Use of radio. All pilots, when possible, shall communicate on the published Common Traffic Advisory Frequency (CTAF) to determine the activity runway and to announce their position and intentions for take-off and landing.
- (3) Take-offs on apron, ramps and taxiway. No take-offs or landings shall be made on the apron, parking ramp or taxiway except by special permission of the Airport Manager.

- (4) Take-offs allowed. Pilots shall clear themselves from landing and take-off traffic before taxiing into take-off position.
- (5) Take-off climb. On take-off all aircraft shall climb straight out to an altitude above one thousand feet (1,000') above ground level (AGL) and clear airport boundary before executing a turn.
- (6) Traffic pattern altitude. The traffic pattern altitude is one thousand feet (1,000') above ground level (AGL) for small aircraft and one thousand five hundred feet (1,500') above ground level (AGL) for jets and large aircraft.
- (7) Traffic flow. All aircraft landing at the airport shall fly a left hand traffic pattern.
- (8) Special procedures. The Airport Manager may, in the interest of safety, designate traffic procedures for certain operations, such as air shows, agricultural operations, lighter-than-air operations, ultra-lights, etc.

Sec. 24-3-2. Fire Safety.

- (1) Compressed gas. Compressed flammable gas shall not be kept or stored upon the airport, except at such place as may be designated by the Airport Manager.
- (2) Flammable substances. No flammable substance shall be used in cleaning motors or other parts of an aircraft inside a hangar or other building. The floors in all buildings shall be kept clean and free from oil. Volatile, flammable substances shall not be used for cleaning floors.
- (3) Smoking. No one shall smoke, ignite a match or lighter in any aircraft tie-down area, storage, or maintenance hangar or in any building posted no smoking.
- (4) Litter. No boxes, crates, cans, bottles, paper tall grass/weeds or other litter shall be permitted to accumulate in or about a hangar.
- (5) Fire extinguishers. At least one portable fire extinguisher shall be available within fifty feet (50') of any storage or maintenance hangar.

Sec. 24-3-3. Knowledge Of Rules Implied.

By publication of this ordinance as required by law, all persons will be deemed to have knowledge of its contents. However, the Airport Manager is directed to have copies of the ordinance printed and posted where appropriate. Copies will be available at all times in the Airport Manager's Office, and copies will be furnished to owners and operators or aircraft based on the airport.

Sec. 24-3-4. Conflict in Rules.

If and where there is a conflict in these and the Federal Aviation Regulations (FARs) the latter shall prevail.

Article 4 Rules and Regulations

Sec. 24-4-1. Rules and Regulations.

The City reserves the right to adopt minimum standards and/or rules and regulations, or to amend, alter or revoke any minimum standard or rule, regulation, article, section, paragraph or sentence in the minimum standards or rules and regulations for operation of the City's airport.

Article 5 – Chickasha Municipal Airport Zoning

Sec. 24-5-1. Airport Hazards Contrary to Public Interest.

This ordinance is adopted pursuant to the authority conferred by the Airport Zoning Act, Title 3, Oklahoma Statutes 1991, Section 101 et seq. (the "Act"). It is hereby found that an airport hazard endangers the lives and property of users of Chickasha

Municipal Airport, and property or occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the side of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of Chickasha Municipal Airport and the public investment herein. Accordingly, it is hereby declared:

- (1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by Chickasha Municipal Airport.
- (2) That it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- (3) That the prevention of these airport hazards or obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation and establishment of airport hazards and the elimination, removal, alteration, mitigation, or the marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interest therein.

This Ordinance shall be known and may be cited as the "Chickasha Municipal Airport Zoning Ordinance." (*Amended Ord. No. 99-14, 08/02/1999.*)

Sec. 25-5-2. Definitions.

As used in this Ordinance, the following terms have the meanings as ascribed to them, unless the context otherwise required:

- (1) Airport – Chickasha Municipal Airport.
- (2) Airport Elevation – The highest point of an airport's usable landing area measured in feet from sea level. Chickasha Municipal Airport has an elevation of 1150 feet above mean seal level (MSL).
- (3) Airport Hazard – Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft I landing or taking off at Chickasha Municipal Airport or is otherwise hazardous to such landing or taking off of aircraft.
- (4) Airport Hazard Area – Any area of land or water upon which an airport hazard might be established if not prevented, as provided in this Ordinance.
- (5) Approach Surface – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (6) Approach, Transitional, Horizontal, and Conical Zones – These zones are set forth in Section 3 of this Ordinance.
- (7) Board of Adjustment – A Board consisting of five members appointed by the Mayor with the approval of the City Council of the City of Chickasha as provided by the laws of the State of Oklahoma.
- (8) Conical Surface – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (9) Hazard to Air Navigation – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (10) Height – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean seal level elevation unless otherwise specified.
- (11) Horizontal Surface – A horizontal plan 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

- (12) Larger than Utility Runway – A runway that is constructed for and extended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- (13) Nonconforming Use – Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this Ordinance or an amendment thereto.
- (14) Nonprecision Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- (15) Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this Ordinance.
- (16) Person – An individual, firm, partnership, corporation, company, association, joint stock association, or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- (17) Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (Par). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning documents.
- (18) Primary Surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has not specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 3 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (19) Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (20) Structure – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- (21) Transitional Surfaces – These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended, at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
- (22) Tree – Any object of natural growth.
- (23) Utility Runway – A runway that is constructed for an intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- (24) Visual Runway – A runway extended solely for the operation of aircraft using visual approach procedures.
- (25) Zoning Administrator – Any City employee of the City of Chickasha as may be so designated by the Chickasha City Council.
- (26) Zoning Map – Attached in Exhibit A. *(Amended Ord. No. 99-14, 08/02/1999.)*

Sec. 24-5-3. Airport Zones.

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Chickasha Municipal Airport. Such zones are shown on the Chickasha Municipal

Airport Zoning Map consisting of one sheet, prepared by Leard Bice Reeder, Inc., and dated March 1999, which is attached to this Ordinance and hereby expressly incorporated herein and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) Utility Runway Visual Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surfaces. Its centerline is the continuation of the centerline of the runway.

(2) Utility Runway Nonprecision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(3) Runway Larger Than Utility Visual Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(4) Runway Larger Than Utility With a Visibility Minimum Greater Than $\frac{3}{4}$ Mile non precision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(5) Runway Larger Than Utility With A Visibility Minimum As Low As $\frac{3}{4}$ Miles nonprecision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(6) Precision Instrument Runway Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(7) Transitional Zones – the transitional zones are the area beneath the transitional surfaces.

(8) Horizontal Zone – The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all other from the center of each of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(9) Conical Zone – The conical zone is established at the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. (*Amended Ord. No. 99-14, 08/02/1999.*)

Sec. 24-5-4. Airport Zone Height Limitations.

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established by such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) Utility Runway Visual Approach Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (2) Utility Runway Nonprecision Instrument Approach Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (3) Runway Larger Than Utility Visual Approach Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (4) Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (5) Runway Larger Than Utility With A Visibility Minimum As Low As Mile Nonprecision Instrument Approach Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (6) Precision Instrument Runway Approach Zone – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- (7) Transitional Zones – Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1150 feet above mean seal level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- (8) Horizontal Zone – Established at 150 feet above the airport elevation or at a height of 1300 feet above mean sea level.
- (9) Conical Zone – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (10) Excepted Height Limitations – Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land. *(Amended Ord. No. 99-14, 08/02/1999.)*

Sec. 24-5-5. Use Restriction.

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any tone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the

vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (*Amended Ord. No. 99-14, 08/02/1999.*)

Sec. 24-5-6. Nonconforming Uses

(1) Regulations Not Retroactive – The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure; the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

(2) Marking and Lighting – Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Chickasha. (*Amended Ord. No. 99-14, 08/02/1999.*)

Sec. 24-5-7. Permits and Fees.

(1) Future Uses – Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of Land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted upon the prior payment of the appropriate permit fees to be established from time to time. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use consistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 7, Subsection 4.

- (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- (c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits

established by this Ordinance except as set forth in Section 4, Subsection 10.

(2) Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(3) Nonconforming Uses Abandoned or Destroyed - Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(4) Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not be an airport hazard or create a hazard to air, navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Chickasha Municipal Airport Board for advice as to the aeronautical effects of the variance. If the Chickasha Municipal Airport Board does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

(5) Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the City of Chickasha at its own expense to install, operate, and maintain the necessary markings and lights. *(Amended Ord. No. 99-14, 08/02/1999.)*

Sec. 25-5-8. Enforcement.

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form created for that purpose. Applications required by this Ordinance to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Administrator. *(Amended Ord. No. 99-14, 08/02/1999.)*

Sec. 25-5-9. Board of Adjustment.

(1) A Board of Adjustment has been created to have and exercise the following powers:

- (a) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance;

- (b) to hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass under this ordinance;
- (c) to authorize in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done;
- (d) exceptions and/or variances may only be allowed by the Board of Adjustment only after notice and hearing as provided in Title 11, Oklahoma Statutes 1991, Section 44-108.

(2) The Board of Adjustment shall consist of five members appointed by the Mayor of the City of Chickasha with the approval of the Chickasha City Council and each shall serve a term of three years until a successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of one year, two for a term of two years, and two for a term of three years. All appointments thereafter shall be for a term of three years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

(3) The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance, applicable City and Town ordinances, the Oklahoma Open Meetings Act and the Oklahoma Open Records Act. Meetings of the Board of Adjustment shall be public and held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each questions; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Administrator and on due cause shown.

(4) The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which properly comes before it under the provisions of this Ordinance.

(5) The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation to this Ordinance.

(Amended Ord. No. 99-14, 08/02/1999.)

Sec. 24-5-10. Appeals to the Board of Adjustment.

(1) Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of the Ordinance, may appeal to the Board of Adjustment.

(2) All appeals hereunder must be taken within 30 days from the date of the decision as provided by the rules of the Board of Adjustment, by filing with the Zoning Administrator and the City Clerk of the City of Chickasha, a notice of appeal specifying the grounds thereof, and by paying a filing fee of fifteen (\$15.00) at the office of the City Clerk of the City of Chickasha at the time the notice is filed. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate of stay

would in the opinion of the Zoning Administration cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment or notice to the Zoning Administrator and on due cause shown.

(4) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice, and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(5) The Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances. *(Amended Ord. No. 99-14, 08/02/1999.)*

Sec. 24-5-11. Judicial Review of Decision of Board of Adjustment.

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, who is of the opinion that a decision of the Board of Adjustment is illegal, may appeal to the District Court of Grady County, Oklahoma, in the manner as provided in Title 3, Oklahoma Statutes 1991, Section 111. *(Amended Ord. No. 99-14, 08/02/1999.)*

Sec. 24-5-12. Penalties and Remedies.

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than \$200.00 and each day a violation continues to exist shall constitute a separate offense. In addition, the political subdivisions adopting the regulations contained in this ordinance or the Joint Airport Zoning Board may institute an action to prevent, restrain, correct or abate any violation of the Act, or this Ordinance and its regulations or of any order or ruling made in connection with their administration or enforcement, in any court of competent jurisdiction. *(Amended Ord. No. 99-14, 08/02/1999.)*

Sec. 24-5-13. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. *(Amended Ord. No. 99-14, 08/02/1999.)*

Sec. 24-5-14. Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable. *(Amended Ord. No. 99-14, 08/02/1999.)*

Sec. 24-5-15. Effective Date.

The immediate operation of the provisions of this Ordinance for the preservation of the public health, public safety, and general welfare, and accordingly an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Joint Airport Zoning Board and publication and posting as required by law. *(Amended Ord. No. 99-14, 08/02/1999.)*

Article 6 Penalty

Sec. 24-5-1. Penalties for Violations.

Any person operating or handling an aircraft in violation of any of these rules or refusing to comply with all sections therewith, may, at once, be ejected from the airport, or may for any period of time, not exceeding fifteen (15) days, be denied use of the airport by the Airport Manager, and upon hearing by the Airport Authority, may be deprived of the further use of the airport and its facilities for such period of time as may appear necessary for protection of life and property.